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## REMARKS

Claims 1-108 were examined and remain pending. The Examiner has rejected all claims as unpatentable under either section 102(b) or 103(a) as detailed below. Applicant respectfully traverses the rejections as discussed below.

### I. Section 102(b) Rejection Over DeLorme

The Examiner rejected claims 1, 8, 9, 38, 46 and 47 under Section 102(b) as unpatentable over U.S. Patent No. 5,948,040 ("DeLorme"). (*See* Office Action dated 10/14/05 at page 2). Applicant traverses the rejection.

Applicant's independent claim 1 recites a method that includes the step of providing counseling services. As described in paragraphs 0047 – 0050 of applicant's published application, and as is inherent by use of the word "counseling," the counseling services are provided by an actual person, who provides information to the prospective traveler by means of telephone, or text messaging. As stated in paragraph 0047, "[i]n a more preferred embodiment, the traveler is provided with a phone number that he or she can call to access the counseling services." Further, it is preferred that the traveler have a mobile satellite phone, and the phone may be configured to have a "rescue" function, wherein by using the rescue function, the phone communicates directly with a rescue service provider, or a third party, like a travel services provider, who then contacts the rescue service provider and sends them to the proper location.

Notwithstanding the Examiner's assertion, the step of providing counseling services is not taught or suggested by DeLorme. As support for his position, the Examiner cites the Abstract, columns 32-34, and columns 71-75. (*Id.* at paragraph 3). However, none of the cited portions of DeLorme support the Examiner's position. For example, Fig. 9 of DeLorme and the discussion thereof beginning at column 71, line 61, describe the use of a mobile phone to access the TRIPS system. However, responses to a traveler's inquiry are provided by means of an automated system, not by a person. For example, in column 74, lines 38-44, DeLorme indicates that the TRIPS system "processes" individual queries, then sends responsive "output." The traveler can interact with the system by using the "+" or "-" keys to engage in further electronic "dialog." Further, as stated in column 60, lines 47-50, "TRIPS travel planning services and information are provided online or distributed on tangible media such as CD-ROMs for use or purchase by the general public

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anonymously." Thus, applicant submits that "counseling" cannot be provided by the automated responses disclosed in DeLorme's TRIPS software.

In fact, applicant submits that DeLorme teaches away from providing personal counseling services. In the Abstract, DeLorme indicates that an online computer-aided routing system allows user input, and that the system thereafter provides printed or electronic output. Further, the process is described as iterative. In addition, the system includes online communications links to provide access to updated information. Mobile users can access the system via wireless communications units. This type of system allows users to avoid some of the problems described in the Background section, including the use of travel agencies, and the difficulty in changing plans when using a travel agency, as well as errors in itineraries and other travel documents prepared by the travel agency. Further, such a system avoids the need to make separate contact with numerous providers of different travel-related services, such as airline ticketing, rental car reservations, hotel reservations, entertainment ticketing, etc.

On the basis of the foregoing, applicant submits that claim 1 as submitted is patentable over the cited reference.

Claims 8 and 9 are dependent from claim 1 and therefore patentable for the same reasons.

Applicant's independent claim 38 recites a two element system that corresponds directly to the two step method recited in claim 1, and the arguments applicable to claim 1 are equally applicable to claim 38. For that reason, applicant submits that claim 38 is patentable over the cited reference. Further, claims 46 and 47 depend from claim 38 and are patentable for the same reasons.

## II. Section 103(a) Rejection Over DeLorme

The Examiner rejected claims 2-7, 11-13, 15-26, 29-37, 39-45, 49-51, 53-83, 84-90, 93-101, and 104-106 under Section 103(a) as unpatentable over DeLorme. (See Office Action dated 10/14/05 at page 3). Applicant traverses the rejection.

With regard to claims 2-7, 11-13, and 15-19, these claims are dependent from claim 1, and are patentable for the same reasons given above.

Independent claim 20 recites a two step method whereby in response to the traveler depressing a single button on his/her mobile phone, a rescue service provider is dispatched. The Examiner acknowledges that DeLorme fails to disclose the step of providing the traveler with a mobile phone, but states that it would be obvious to provide a phone "in order to increase customer service and ensure compatibility between the mobile device and the Trips system." (*Id.* at page 6)

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This conclusory allegation is without basis or merit, and is made with the benefit of hindsight. Further, even if it were obvious to provide a mobile phone to a traveler, there is no teaching or suggestion that depression of a single button on the phone would cause a rescue service provider to be dispatched to the traveler's location. To the contrary, DeLorme describes at least a two step electronic dialog whereby the traveler pushes rescue button 916, then the TRIPS system responds with a menu of choices. The traveler then pushes the "+" or "-" button to select one of the choices. (DeLorme at col. 73:64 – 74:15). For these reasons, applicant submits that claim 20 as submitted is patentable over the cited reference.

Claims 21-26 and 29-37 depend from claim 20, and are patentable for the same reasons.

Claims 39-45, 49-51, and 53-57 depend from claim 38, discussed above, and are patentable for the same reasons.

Independent claim 58 recites a three step method, including the step of providing a database of travel information including "weather information, traffic information, road construction information, terrorism information, legal information, and suggested vaccinations." The Examiner acknowledges that DeLorme fails to disclose these specific types of information. (*Id.* at page 9). However, the Examiner states that it would have been obvious "to incorporate a large variety of travel information with the system in order to increase the systems [sic] effectiveness at offering relevant customer information." (*Id.*) This conclusory allegation is without basis or merit, and is made with the benefit of hindsight. There is no teaching or suggestion anywhere in DeLorme to use or incorporate this type of information, and applicant submits that the Examiner has failed to establish a *prima facie* for obviousness. There is simply no suggestion or motivation within DeLorme to modify DeLorme to incorporate this type of information, even though, as the Examiner acknowledges, "DeLorme does disclose a multitude of travel information." (*Id.*) On that basis, applicant submits that the claim as pending is patentable over the cited reference.

Claims 59-67 depend from claim 58, and are patentable for the same reasons.

Independent claim 68 recites a two step method including the step of providing counseling services and providing information, wherein information is selected from the group consisting of, *inter alia*, weather information, traffic information, road construction information, terrorism information, legal information, and suggested vaccinations. As noted above with regard to claim 1, DeLorme does not teach or suggest providing counseling services. In addition, as described above with regard to claim 58, DeLorme does not teach or suggest these specific types of information. For

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both of these reasons (incorporated herein by reference), applicant submits that claim 69 is patentable over the cited reference.

Claims 69-73 depend from claim 68, and are patentable for the same reasons.

Independent claim 74 is a three element system that corresponds directly to the method of independent claim 58, and the arguments applicable to claim 58 are equally applicable to claim 74. For that reason, applicant submits that claim 74 is patentable over the cited reference. Further, claims 75-83 depend from claim 74, and are patentable for the same reasons.

Independent claim 84 is a two element system that corresponds directly to the method of independent claim 20, and the arguments applicable to claim 20 are equally applicable to claim 84. For that reason, applicant submits that claim 84 is patentable over the cited reference. Further, claims 85-90 and 93-101 depend from claim 84, and are patentable for the same reasons.

Independent claim 104 is a two step method that corresponds to the method of independent claim 20, except that instead of a mobile phone with a button that transmits a geographic location, claim 104 recites "a mobile communication device" that transmits a geographic location. The arguments applicable to claim 20 are equally applicable to claim 104. For that reason, applicant submits that claim 104 is patentable over the cited reference. Further, claims 105 and 106 depend from claim 104, and are patentable for the same reasons.

### III. Section 103(a) Rejection Over DeLorme In View Of Marcon

The Examiner rejected claims 10, 14, 27, 28, 48, 52, 91, 92, 102, 103, 107, and 108 under Section 103(a) as unpatentable over DeLorme in view of U.S. Patent Publication No. 2001/0052142 ("Marcon"). (See Office Action dated 10/14/05 at page 11). Applicant traverses the rejection.

Claims 10 and 14 depend from claim 1, and are patentable for the same reasons described above. Claims 107 and 108 depend from claim 10, and are patentable for the same reasons.

Claims 27 and 28 are dependent from claim 20, and are patentable for the same reasons.

Claims 48 and 52 are dependent from claim 38, and are patentable for the same reasons.

Claims 91 and 92 are dependent from claim 84, and are patentable for the same reasons.

Independent claim 102 is a twelve step method that includes various steps already discussed. For example, claim 102 includes the step of providing counseling services. As noted with regard to claim 1, DeLorme does not teach or suggest such a step, and Marcon fails to supply the missing teaching. Further, claim 102 includes the step of providing a mobile phone whereby in response to the traveler depressing a single button on his/her mobile phone, a rescue service provider is

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dispatched. As noted with regard to claim 20, DeLorme does not teach or suggest such a step, and Marcon fails to supply the missing teaching. In addition, claim 102 includes the step of providing a database of travel information including "weather information, traffic information, road construction information, terrorism information, legal information, and suggested vaccinations." As noted with regard to claim 58, DeLorme does not teach or suggest such a step, and Marcon fails to supply the missing teaching. For at least the foregoing reasons, applicant submits that claim 102 is patentable over the cited combination.

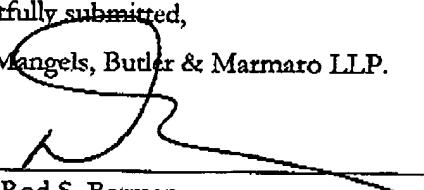
Independent claim 103 is a ten element system that also recites various elements previously discussed, including a system of providing counseling services, a mobile phone including a button which, when depressed, dispatches a rescue service provider, and a database of travel information including "weather information, traffic information, road construction information, terrorism information, legal information, and suggested vaccinations." As discussed above, none of these elements is taught or suggested by DeLorme, and Marcon fails to supply the missing teaching. For at least those reasons, claim 103 is patentable over the cited combination.

#### IV. Conclusion

In light of the foregoing, applicant submits that the claims as pending are patentable over the cited prior art, alone or in combination. The Examiner's favorable reconsideration is solicited.

Respectfully submitted,  
Jeffer, Mangels, Butler & Marmaro LLP.

Dated: 1/17/06

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